

# HOUSE BILL 148

E2, E4

0lr1605

---

By: **Delegates Minnick, Aumann, Boteler, Bromwell, Donoghue, Kach, Miller, Myers, Olszewski, Serafini, Weir, and Wood**  
Introduced and read first time: January 20, 2010  
Assigned to: Judiciary

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Child Sexual Offenders – Elimination of Diminution**  
3 **Credits and Parole Eligibility**

4 FOR the purpose of prohibiting the earning of diminution credits to reduce the term of  
5 confinement of a certain inmate who is serving a sentence for a certain sexual  
6 offense against a minor; eliminating parole eligibility for sexual offenders who  
7 are serving terms of confinement for certain offenses against minors committed  
8 on or after a certain date; providing that this Act does not restrict a certain  
9 authority of the Governor to pardon or remit a certain sentence; and generally  
10 relating to sexual offenders.

11 BY repealing and reenacting, with amendments,  
12 Article – Correctional Services  
13 Section 3–702 and 7–301  
14 Annotated Code of Maryland  
15 (2008 Replacement Volume and 2009 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Correctional Services**

19 3–702.

20 (A) Subject to **SUBSECTION (B) OF THIS SECTION**, § 3–711 of this subtitle,  
21 and Title 7, Subtitle 5 of this article, an inmate committed to the custody of the  
22 Commissioner is entitled to a diminution of the inmate’s term of confinement as  
23 provided under this subtitle.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(B) AN INMATE WHO IS SERVING A SENTENCE FOR A VIOLATION OF**  
2 **TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE IN WHICH THE VICTIM**  
3 **WAS A MINOR IS NOT ENTITLED TO A DIMINUTION OF THE INMATE'S TERM OF**  
4 **CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE.**

5 7-301.

6           (a) (1) Except as otherwise provided in this section, the Commission shall  
7 request that the Division of Parole and Probation make an investigation for inmates in  
8 a local correctional facility and the Division of Correction make an investigation for  
9 inmates in a State correctional facility that will enable the Commission to determine  
10 the advisability of granting parole to an inmate who:

11                           (i) has been sentenced under the laws of the State to serve a  
12 term of 6 months or more in a correctional facility; and

13                           (ii) has served in confinement one-fourth of the inmate's  
14 aggregate sentence.

15           (2) Except as provided in paragraph (3) of this subsection, or as  
16 otherwise provided by law or in a predetermined parole release agreement, an inmate  
17 is not eligible for parole until the inmate has served in confinement one-fourth of the  
18 inmate's aggregate sentence.

19           (3) An inmate may be released on parole at any time in order to  
20 undergo drug or alcohol treatment, mental health treatment, or to participate in a  
21 residential program of treatment in the best interest of an inmate's expected or  
22 newborn child if the inmate:

23                           (i) is not serving a sentence for a crime of violence, as defined  
24 in § 14-101 of the Criminal Law Article;

25                           (ii) is not serving a sentence for a violation of Title 3, Subtitle 6,  
26 § 5-608(d), § 5-609(d), § 5-612, § 5-613, § 5-614, § 5-621, § 5-622, or § 5-628 of the  
27 Criminal Law Article; and

28                           (iii) has been determined to be amenable to treatment.

29           (b) Except as provided in subsection (c) of this section, if an inmate has been  
30 sentenced to a term of imprisonment during which the inmate is eligible for parole and  
31 a term of imprisonment during which the inmate is not eligible for parole, the inmate  
32 is not eligible for parole consideration under subsection (a) of this section until the  
33 inmate has served the greater of:

34                           (1) one-fourth of the inmate's aggregate sentence; or

1                   (2)     a period equal to the term during which the inmate is not eligible  
2 for parole.

3           (c)     (1)     (i)     Except as provided in subparagraph (ii) of this paragraph,  
4 an inmate who has been sentenced to the Division of Correction after being convicted  
5 of a violent crime committed on or after October 1, 1994, is not eligible for parole until  
6 the inmate has served the greater of:

7                                   1.     one-half of the inmate's aggregate sentence for  
8 violent crimes; or

9                                   2.     one-fourth of the inmate's total aggregate sentence.

10                               (ii)    An inmate who has been sentenced to the Division of  
11 Correction after being convicted of a violent crime committed on or after October 1,  
12 1994, and who has been sentenced to more than one term of imprisonment, including a  
13 term during which the inmate is eligible for parole and a term during which the  
14 inmate is not eligible for parole, is not eligible for parole until the inmate has served  
15 the greater of:

16                                   1.     one-half of the inmate's aggregate sentence for  
17 violent crimes;

18                                   2.     one-fourth of the inmate's total aggregate sentence;  
19 or

20                                   3.     a period equal to the term during which the inmate is  
21 not eligible for parole.

22                   (2)     An inmate who is serving a term of imprisonment for a violent  
23 crime committed on or after October 1, 1994, shall receive an administrative review of  
24 the inmate's progress in the correctional facility after the inmate has served the  
25 greater of:

26                                   (i)     one-fourth of the inmate's aggregate sentence; or

27                                   (ii)    if the inmate is serving a term of imprisonment that  
28 includes a mandatory term during which the inmate is not eligible for parole, a period  
29 equal to the term during which the inmate is not eligible for parole.

30           **(D)     (1)     AN INMATE IS NOT ELIGIBLE FOR PAROLE CONSIDERATION**  
31 **AND MAY NOT BE GRANTED PAROLE AT ANY TIME DURING THE INMATE'S**  
32 **SENTENCE IF THE INMATE IS SERVING A TERM OF IMPRISONMENT FOR A**  
33 **VIOLATION OF TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE**  
34 **COMMITTED ON OR AFTER OCTOBER 1, 2010, AGAINST A MINOR.**

1                   **(2) THIS SUBSECTION DOES NOT RESTRICT THE AUTHORITY OF**  
2 **THE GOVERNOR TO PARDON OR REMIT ANY PART OF A SENTENCE UNDER**  
3 **§ 7-601 OF THIS TITLE.**

4           **[(d)] (E)** (1) Except as provided in paragraphs (2) and (3) of this  
5 subsection, an inmate who has been sentenced to life imprisonment is not eligible for  
6 parole consideration until the inmate has served 15 years or the equivalent of 15 years  
7 considering the allowances for diminution of the inmate's term of confinement under §  
8 6-218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

9                   (2) An inmate who has been sentenced to life imprisonment as a result  
10 of a proceeding under § 2-303 or § 2-304 of the Criminal Law Article is not eligible for  
11 parole consideration until the inmate has served 25 years or the equivalent of 25 years  
12 considering the allowances for diminution of the inmate's term of confinement under §  
13 6-218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

14                   (3) (i) If an inmate has been sentenced to imprisonment for life  
15 without the possibility of parole under § 2-203 or § 2-304 of the Criminal Law Article,  
16 the inmate is not eligible for parole consideration and may not be granted parole at  
17 any time during the inmate's sentence.

18                                   (ii) This paragraph does not restrict the authority of the  
19 Governor to pardon or remit any part of a sentence under § 7-601 of this title.

20                   (4) If eligible for parole under this subsection, an inmate serving a  
21 term of life imprisonment may only be paroled with the approval of the Governor.

22                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2010.